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**RESPONSE UNDER 37 C.F.R. 1.116 - EXPEDITED  
PROCEDURE - EXAMINING GROUP 2681**

Attorney's Docket No. 9134-32CT

**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re: Dhuler  
Serial No.: 09/891,700  
Filed: June 26, 2001

Group Art Unit: 2834  
Examiner: D. Le  
Confirmation No.: 2751

For: MICROELECTROMECHANICAL DEVICE HAVING SINGLE  
CRYSTALLINE COMPONENTS AND METALLIC COMPONENTS

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Box AF  
Commissioner for Patents  
Washington, DC 20231

June 4, 2002

**JUN 04 2002**

TECHNOLOGY CENTER 2800

**RESPONSE AFTER FINAL**

Sir:

This communication is responsive to the Final Official Action mailed April 8, 2002. Applicant is further submitting concurrently herewith and attached hereto a declaration establishing common ownership for the present application and United States Patent No. 6,137,206 to Hill ("the '206 patent").

**REMARKS**

Pending Claims 1, 2, 6-11, 35, 36, 40 and 42-44 stand rejected as obvious over the '206 patent in view of United States Patent No. 5,355,712 to Petersen et al. ("the '712 patent"). Applicant submits that the rejections should be withdrawn for the reasons set forth in Applicant's prior Amendment mailed February 14, 2002, which is incorporated herein in its entirety by reference. However, to expedite issuance of the present application, Applicant notes the following. The '206 patent identifies Cronos Integrated Microsystems, Inc. ("Cronos") as the assignee. The present application was filed on June 26, 2001 as a divisional of United States patent application No. 09/383,053 ("parent application"), filed before the issue date of the '206 patent. Copies of the assignments of the parent application from Dhuler to MCNC, from MCNC to Cronos and from Cronos to JDS Uniphase ("JDSU") are attached hereto for the Examiner's reference. In addition, to avoid any confusion over common ownership, a copy of the declaration of Neil Teitelbaum is attached hereto showing that all of

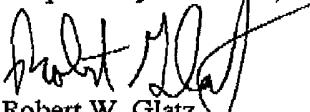
In re: Wallstedt  
Serial No. 09/163,810  
Filed: 9/30/98  
Page 2

the interests of Cronos in both the present application and the '206 patent now rest in JDS Uniphase ("JDSU") as a result of JDSU's acquisition of Cronos. Accordingly, the '206 patent cannot be applied as a 102(e)/103 reference against the present application. *See M.P.E.P. ¶706.02(l)(2).* Therefore, the present rejections should be withdrawn.

**Conclusion**

For the reasons discussed above, Applicant respectfully submits that the present case is in form for allowance. Accordingly, Applicant requests allowance of the pending claims and passing of this application to issuance.

Respectfully submitted,



Robert W. Glatz  
Registration No. 36,811

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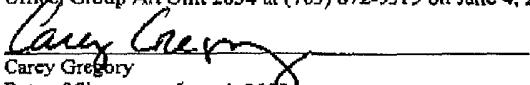


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PATENT TRADEMARK OFFICE

**CERTIFICATE OF FACSIMILE**

I hereby certify that this correspondence is being sent by facsimile transmission to the United States Patent and Trademark Office Group Art Unit 2834 at (703) 872-9319 on June 4, 2002.

  
Carey Gregory  
Date of Signature: June 4, 2002  
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